

DUTIES OF A GUARDIAN FOR A MINOR:

CHANGE OF ADDRESS: The guardian must give written notice to the court of any change in the address of the **minor** or the **guardian** within 14 days of the date of the change. The guardian should also advise the court of any change in the guardian's telephone number(s) or other contact information.

ANNUAL REPORT: The guardian must file an Annual Report on Condition of Minor (PC653) each year. The first report will cover the year from the date of appointment until the anniversary date of the appointment. The report is due within 8 weeks (56 days) after the anniversary date of your appointment, and that date will be indicated on your Letters of Guardianship. If you fail to file the Annual Report as required, the court will send you a Notice of Deficiency, and if you still fail to file the Annual Report you may be suspended as guardian and Child Protective Services notified.

EXPIRATION OF LETTERS OF GUARDIANSHIP. Your Letters of Guardianship will expire on the due date of your Annual Report. This does not mean that you are no longer the guardian; it just means you no longer have proof that you are the guardian. Your duties as guardian continue. When you file your Annual Report, the court will extend the expiration date on your Letters for one year to the due date of your next Annual Report.

DUTIES: The guardian stands in the shoes of the parent and makes all decisions regarding the minor the same as a responsible parent would. Parental rights are suspended during a guardianship. The guardian makes all decisions regarding visitation between the child and the parent(s), unless the court orders otherwise. If the parent is unhappy with the decisions of the guardian regarding visitation, the parent's remedy is to file a petition with the court. Generally visitation between the child and a parent should be encouraged unless such visitation would not be in the best interests of the child. The duties of a guardian for a minor are set forth in MCL 700.5215, which may be found at <http://legislature.mi.gov/doc.aspx?mcl-700-5215>. The statutes immediately before and after this statute may also provide useful information.

ANNUAL REVIEWS OF GUARDIANSHIPS OF MINORS UNDER THE AGE OF 6 YEARS: The court is required by state law to perform an annual review of any guardianship of a minor who is under the age of 6 years. If the child for whom you are guardian is under the age of 6, somewhere near the anniversary date of your appointment the Court will appoint CPS to review the guardianship. CPS will contact the guardian and set up a time and date for the review, which will occur at the home of the guardian.

THINGS THE GUARDIAN IS PROHIBITED FROM DOING: Both the Order that appoints you as guardian and your Letters of Guardianship prohibit you from:

- **Returning the child to a parent** – You may not under any circumstances return the child to a parent without an order from the court permitting this. If anyone wants to terminate the guardianship, someone must first file a Petition to Terminate the Guardianship (forms are on the court's website) and the court will hold a hearing to determine whether termination of the guardianship would be in the best interests of the minor. Visitation (as described above) is okay, but you may not permit the child to go live with a parent.
- **Moving the Child out of Kent County** – If you wish to move the child out of Kent County, you need to file a Petition requesting that you be allowed to do that and the court will conduct a hearing. The reason for the rule is that the court does not want distance to interfere with the relationship between the child and the parent(s).
- **Taking the Child out of Michigan** – If you wish to take the child out of Michigan for a vacation, file a Petition and Order requesting permission to take the child out of state. Use form PC 586, available at: <http://courts.mi.gov/Administration/SCAO/Forms/courtforms/probate/pc586.pdf>. Explain the purpose of the trip, where you are going, the dates you plan to be gone, who will be supervising the minor during the trip, and contact information during the trip. File it at least a week prior to the proposed trip. There is no filing fee and a hearing will generally not be required.
- **Issuing a Power of Attorney Allowing Another to Act on Behalf of the Child:** You may not delegate your duties as guardian.

Court contact information:

Kent County Probate Court
180 Ottawa NW, Suite 2500
Grand Rapids, MI 49503
(616) 632-5440
<http://www.accesskent.com/Courts/Probate/>